

Meeting of 2005-4-12 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
APRIL 12, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor John Butler, Beal Heights Presbyterian Church.

ROLL CALL

PRESENT: Rex Givens, Ward Two
 Amy Ewing-Holmstrom, Ward Four (Arrived at 6:13 p.m.)
 Robert Shanklin, Ward Five

Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Bill Shoemate, Ward One
 Glenn Devine, Ward Three

PRESENTATION OF CITIZEN OF THE MONTH TO GENEVA DEVRIES

Kim Ousley, Chairman of the Mayor s Commission on the Status of Women, introduced Geneva Devries as Citizen of the Month for April. She said her application was the best she has ever seen. She s a volunteer, an army wife, a mom and a daughter. She is commended for countless hours to various projects such as the Protestant Women of the Chapel, the Patriot Spouses Club as well as being a family readiness group leader and friend of the Ft. Sill Museum.

Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, a Certificate of Commendation from the Mayor s Office, and a Mayor s Do What s Right coin. He commended Ms. Devries on her volunteer efforts and thanked her for her service to the community.

PRESENTATION OF PROCLAMATION FOR WHITE CANE DAY

Mayor Purcell proclaimed April 16th as White Cane Day and presented a proclamation to members of the Lawton Northeast Lions Club. Club members said the fundraiser will be at Wal-Mart on Sheridan Road and Sam s Club. They recognized members from Boy Scout Troop 187 who will participate in the fundraiser. Mayor Purcell thanked them for all the good work they do throughout the year.

Mayor Purcell announced the Oklahoma Blood Institute is in serious need of donations and encouraged everyone to help. He said there are so many troops that are gone from Ft. Sill, and they need to rely on Lawton citizens for donations.

Mayor Purcell recognized Councilman elect Keith Jackson and Councilwoman elect Janice Drewry who were in attendance.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF MARCH 22, 2005.

MOVED by Haywood, SECOND by Patton, to approve the Minutes of March 22, 2005. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

Separate consideration was requested for Items 9, 10, 16, and 19.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of items 9, 10, 16 and 19. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Southwestern Bell Telephone Company in the amount of \$2,381.80 and Southwestern Bell Telephone Company in the amount of \$663.49. Exhibits: Legal Opinions/Recommendations; Action: Approval of claims as listed and approval of Resolution No. 05-49 and Resolution No. 05-50.
2. Consider the following damage claims recommended for denial: Southwestern Bell Telephone Company in the amount of \$103.00, Farmers Insurance in the amount of \$5,051.80, Southwestern Bell Telephone Company in the amount of \$552.69 and White Glove Realty in the amount of \$426.32. Exhibits: Legal Opinions/Recommendations.
3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Frank P. Hardzog in the Workers Compensation Court, Case No. 2004-09337A. Exhibits: Resolution No. 05-51. Action: Approved in the amount of \$15,840.00.
4. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers Compensation case of Samuel J. Speer in the Workers Compensation Court, Case No. 2004-11304Q. Exhibits: Resolution No. 05-51. Action: Approved in the amount of \$26,400.00.
5. Consider approval of the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement
6. Consider approving the Boulevard of Lights Committee and the Parks and Recreation Department to hold the 2nd Annual Family Fun Festival event in Elmer Thomas Park and Lake Helen on June 25, 2005. Exhibits: Letter of request from the Boulevard of Lights.
7. Consider accepting the West Cache Road 24 Waterline Phase I Project #2003-11 as constructed by Bowles Construction Company, Inc. and placing the Maintenance Bond into effect. Exhibits: None.
8. Consider awarding a construction contract to T & G Construction, Inc. for the Elmer Thomas Park Roadway Construction Project #2004-10 in the amount of \$437,460.00. Exhibits: None
9. Consider authorizing Ashbrook Simon-Hartley to upgrade and recondition the existing belt filter presses at the Wastewater Treatment Plant (WWTP). Exhibits: Letter dated March 17, 2005 from Ashbrook Simon-Hartley.

Shanklin stated he feels the taxpayers should know these monies will be spent to reshape the belt press at the Wastewater Treatment Plant which may extend their use for an additional 15 years. He felt this was good negotiating by Mr. Ihler and his staff.

MOVED by Shanklin, SECOND by Warren, to approve the upgrade and recondition of the existing belt filter presses at the Wastewater Treatment Plant. AYE: Shanklin, Patton, Haywood, Warren, Givens Ewing-Holmstrom. NAY: None. MOTION CARRIED.

10. Consider amending the agreement for receiving pretreated wastewater at the Wastewater Treatment Plant from the City of Geronimo and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement on File in City Clerk s Office.

Shanklin questioned what the average user pays in Lawton.

Jerry Ihler, Public Works Director, stated individual residents pay around \$8.16 per thousand gallons.

Shanklin questioned why we would charge a cheaper rate than what our own citizens pay.

Ihler stated this water comes from their lagoon and is mainly rainwater or clear quality water which is not hard to treat. Over the last five years they have only sent us 3 million gallons per year. The City of Geronimo only sends us water on an emergency basis when their lagoons are about to overflow.

MOVED by Shanklin, SECOND by Warren, to approve amending the agreement for pretreated wastewater from the City of

Geronimo. AYE: Patton, Haywood, Warren, Givens Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

11. Consider approving an agreement to accept an Emergency Management Performance Grant (EMPG). Exhibits: Emergency Management Preparedness Sub-Grant Agreement.
12. Consider adopting a resolution in support of State Question 723 to create a transportation trust fund to provide desperately needed funding for Oklahoma s highways, roads and bridges. Exhibits: Resolution No. 05-53.
13. Consider approving the purchase of the property located at Lot 3, Block 19, Original Townsite to the City of Lawton, Oklahoma, a/k/a 306 SW A Avenue. Exhibits: Letter of Interest
14. Consider approving the purchase of a 20-inch bronze sculpture of General Henry Ware Lawton from Dr. Gary Gardner to display in City Hall at a cost of \$2,300.00 Exhibits: Letter from Dr. Gardner.
15. Acknowledge receipt of election returns of March 8, 2005. Exhibits: Election Tabulation.
16. Consider awarding contract for Neighborhood Services Nuisance Abatement (CL05-039). Exhibits: Department recommendation and abstract of bids.

Shanklin stated this is the second year in a row that bid documents went out without the Council seeing them. He questioned what the bidder would be providing. At one time they wanted the property edged and the curb and gutters cleaned out. He questioned if those requirements were in the contract.

Melissa Laycock, Neighborhood Services Supervisor, stated those were concerns and that is why they put the contract back out for bid. They wanted to clarify in the contract that the contractor will cut the grass from 2-3 and will not use brushhogs in residential areas.

Shanklin questioned if the City of Lawton had previously done business with the low bidder.

Laycock stated the low biddger currently has the utility easement abatement contract and is doing a super job.

MOVED by Shanklin, SECOND by Haywood, to award the contract for Neighborhood Services Nuisance Abatement to Booker Tree Service. AYE: Haywood, Warren, Givens Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

17. Consider awarding contract for Backhoe/Loader (CL05-038). Exhibits: Department recommendation and abstract of bids. Action: Contract awarded to OCT Equipment, LLC
18. Consider awarding contract for One-Half Ton Pick-Up Trucks (CL05-035). Exhibits: Department recommendation and abstract of bids. Action: Contract awarded to (1) Joe Cooper Ford & (3) Hudiburg Auto Group.
19. Consider awarding contract for Mid-Size SUV (CL05-035). Exhibits: Department recommendation and abstract of bids.

Warren questioned why the Inspection Division would need an SUV. He is concerned about gas prices.

Rick Endicott, Finance Director, stated they may need a bigger vehicle to carry their equipment, but he could not speak to this item.

MOVED by Warren, SECOND by Ewing-Holmstrom, to table this item. AYE: Warren, Givens, Ewing-Holmstrom, Shanklin, Haywood, Patton. NAY: None. MOTION CARRIED.

Mayor Purcell stated the City Council would need to strike item #29.

20. Consider approval of payroll for the period of March 14 to March 27, 2005. Exhibits: None.

BUSINESS ITEMS:

21. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density to Public and an ordinance changing the zoning from R-4 (High Density Apartment District) to P-F (Public Facilities District) zoning classification located at 1001 SE 36th Street. Exhibits: Resolution No. 05-__, Ordinance No. 05-__, Location Map, Site Plan, Applications, CPC Minutes.

Debra Jones, Acting Planning Director, stated this was an amendment to the land use plan as well as a rezoning initiated for a 10-acre tract located at the Northwest corner of Southeast 36th Street and

Huntington Circle. The applicant/property owner is Nick Richards, who is the agent for the Frank Richards 1992 Trust. The proposed use is for Hospice of Southwest Oklahoma.

The zoning of the surrounding area is R-4 to the north; R-4 and R-1 (Single-Family Dwelling District) to the south; R-4, R-1, and C-4 (Tourist Commercial District) to the east and west. The land use of the surrounding area is agricultural to the north; single-family residence to the south; Ten Oaks Retirement Center, medical office, pharmacy, agricultural, and gas station to the east; and agricultural and First Baptist East Church to the west. The 2025 Land Use Plan designates this area as Residential/High Density. The proposed use, Hospice of Southwest Oklahoma, would require Public Facilities District zoning.

The nearest dedicated water main is located approximately 700 feet to the east of this site in Sullivan Village, and the nearest dedicated sewer main is located west of this 10-acre tract which was installed to serve First Baptist East Church.

On March 10, 2005, the City Planning Commission (CPC) held a public hearing on this request. During the public hearing three persons spoke in favor of the request, and no one spoke against the request. The CPC, by a vote of 6 - 0, recommended approval of the request.

Notice of public hearing was mailed to six property owners within 300 feet of the requested area on March 22, 2005, and proper notice was published in *The Lawton Constitution* on March 27, 2005.

Jones stated since the CPC public hearing, the Planning Division has received no calls of inquiry or interest.

PUBLIC HEARING OPEN.

Nick Richards, 39 SE 6th, requested approval of the rezoning so that Hospice may build a new facility. He stated there needs to be a water line extended from the west side of Sullivan Village to the site. The owner will extend the line and dedicate to the City of Lawton. It will go down the North right-of-way of Huntington Circle.

Ewing-Holmstrom asked Mr. Richards if he donated the property to Hospice.

Mr. Richards stated there is a contractual arrangement for some donation.

Jeff Henderson, Director of Hospice of Southwest Oklahoma, stated Wichita Falls has had this type of facilities for seven or eight years. This facility will serve approximately 150 additional patients a year and will employ a minimum of 15 additional staff. This facility will not compete with nursing homes or assisted living facilities, but will be strictly for hospice patients.

PUBLIC HEARING CLOSED.

MOVED by Ewing-Holmstrom, SECOND by Warren, to approve Resolution No. 05-54 and Ordinance No. 05-12, waive the reading of the ordinance, read the title only. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-12

An ordinance changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to P-F (Public Facilities District) zoning classification on a tract of land which is located West of the corner at 1001 SE 36th Street and Huntington Circle authorizing the changes to be made upon the official zoning map in accordance with the ordinance.

22. Consider adopting a resolution in support of the Lawton Metropolitan Area Airport Authority in their efforts to obtain an Economic Development Grant under a Limited Federal Program, the Small Community Air Service Development Pilot Program. Exhibits: Proposed Letter of Support and Resolution No. 05-__.

Larry Mitchell, City Manager, stated the City of Lawton received a request from the Airport Authority on April 4th to participate in a federal grant. The local share of the grant will be \$50,000 and the total amount of the grant will be \$650,000. The grant money will be used to assist the airport in improving air service to the community. They have identified the funding source as the hotel/motel tax.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 05-55. AYE: Ewing-Holmstrom, Shanklin, Haywood, Warren, Givens. NAY: None. MOTION CARRIED. ABSENT: Patton.

23. Hold public hearings and adopt resolutions declaring the structures at: 303 NW Arlington Avenue (Voluntary), 2505 SW E Avenue (Voluntary), 1205 NW Columbia Avenue (Voluntary), 1211 SW Jefferson Avenue, 2017 SW Garfield Avenue and 617 SW 26th Street to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action

in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Six Resolutions.

303 NW Arlington Avenue: Laycock presented photographs of the property. The owner has requested the structure be declared dilapidated. There have been no utilities since January 2003. Two wooden structures on the property, both in very poor condition, are causing blight on the community.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 05-56 and declare the structure at 303 NW Arlington Avenue to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Givens, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

2505 SW E Avenue: Laycock presented photographs of the property. This item is also at the request of the owner. There have been no utilities since June 2003. It is a one-story wooden structure in poor condition.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 05-57 and declare the structure at 2505 SW E Avenue to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Givens, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

1205 NW Columbia Avenue: Laycock presented photographs of the property. This item is also at the owners request. There have been no utilities since January 2005. It is a one-story wooden structure in poor condition.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve Resolution No. 05-58 and declare the structure at 1205 NW Columbia Avenue to be dilapidated and a public nuisance. AYE: Haywood, Warren, Givens, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

1211 SW Jefferson Avenue: Laycock presented photographs of the property. This item is a one-story brick structure in very poor condition. There have not been utilities since May 1996. Neighborhood Services has been mowing the property and securing the structure since 1999.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve Resolution No. 05-59 and declare the structure at 1211 SW Jefferson Avenue to be dilapidated and a public nuisance. AYE: Warren, Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

2017 SW Garfield Avenue: Laycock reported the owner moved the dilapidated mobile home at his own expense prior to the meeting.

This item was stricken.

617 SW 26th Street: Laycock presented photographs of the property. This is a one-story wooden structure in dilapidated condition. There have been no utilities since May 2000. She received a fax letter from the owners attorney requesting clemency since they plan to remodel.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Warren, to approve Resolution No. 05-60 and declare the structure at 617 SW 26th Street to be dilapidated and a public nuisance. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

24. Consider approving and accepting a one-time donation from Affiliated Van Lines, Daveco Industries, Ft. Sill Federal Credit Union, EZ Go Industries, and Comanche Red River Casino for the purchase of youth sports awards. Exhibits: Copies of donation checks.

Kim Shahan, Park and Recreation Director, stated at the end of each youth sports event, they have extended opportunities to businesses to sponsor the championship awards. These one time gift will allow them to give individual and team awards. Shahan publicly thanked these donors and those who have contributed in the past.

Ewing-Holmstrom questioned who oversees the donations.

Shahan stated he receives the money and turns it in to the Financial Services Division.

Mayor Purcell thanked all those who contributed to the sports program.

MOVED by Warren, SECOND by Ewing-Holmstrom, to approve and accept donations. AYE: Shanklin, Patton, Haywood, Warren, Givens, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

25. Consider request from Energetix to extend the Treated Effluent Option Agreement for the Lawton Energy Facility. Exhibits: Letter of request to extend option and Proposed Fifth Amendment to the Agreement.

Vincent stated on April 30, 2001, the City Council entered into an agreement with Energetix for the sale of treated effluent for an energy plant in West Lawton. The City Council has maintained an agreement with Energetix since 2001 through a series of options and contract amendments to allow them to extend the option so they can get on line with their construction project. He stated Debra Thompson from Energetix is in attendance.

Ms. Thompson thanked the City Council for their continued support with regards to this effort. They look forward to the continued development of this project.

MOVED by Shanklin, SECOND by Patton, to approve the extension of Treated Effluent Option Agreement with Energetix. AYE: Patton, Haywood, Warren, Givens, Shanklin. NAY: None. MOTION CARRIED. ABSENT: Ewing-Holmstrom.

26. Consider a request from the Lawton Urban Renewal Authority to declare an area bounded by the north right-of-way line of NW Ferris Avenue, the north right-of-way line of West Gore Boulevard, the west right-of-way line of NW 2nd Street and the west right-of-way line of NW 4th Street blighted and subject to urban renewal. Exhibits: Letter from LURA, Map of Urban Renewal Plan Areas.

Mitchell stated this request from LURA is to consider extending their D-6 urban renewal boundaries to include these twelve blocks. The Lawton Urban Renewal Authority is under a redevelopment contract with a consultant from Oklahoma City. That consultant has recommended that this area be expanded to incorporate the 2nd Street corridor plan that is being developed. This is a requirement so that LURA will be able expend money in that project area.

Vincent stated if the City Council adopts this proposal, a revised urban renewal plan would be presented to the City Planning Commission. It will then come back to the City Council.

MOVED by Shanklin, SECOND by Haywood, to direct staff to prepare documents and begin the process to declare the area bounded by the north right-of-way line of NW Ferris Avenue, the north right-of-way line of West Gore Boulevard, the west right-of-way line of NW 2nd Street and the west right-of-way line of NW 4th Street blighted and subject to urban renewal. AYE: Haywood, Warren, Givens, Shanklin, Patton. NAY: None. MOTION CARRIED. ABSENT: Ewing-Holmstrom.

27. Consider approving a resolution placing a moratorium on the issuance of building permits for construction of buildings in an area bounded by the north right-of-way line of Ferris Avenue, the north right-of-way line of Gore Boulevard, the west right-of-way line of 4th Street, and the east right-of-way line of Railroad Street for a period of six months. Exhibits: Resolution 05-__, LURA Resolution and LURA minutes.

Mitchell stated this a companion item to #26. LURA is in the process of developing a redevelopment plan for this area. On March 11, 2005, LURA adopted a resolution requesting the City Council place this moratorium on the issuance of building permits for construction of buildings in this area until they are able finish their redevelopment plan and develop regulations for building standards, land use setbacks and parking within that area.

Chris Nervig, representing Mercy Housing, a national non-profit organization based in Denver, Colorado, Stated they own about 15,000 multi-family units across the United States. They are the proposed purchaser of Columbia Square Apartments, 305 NW 4th Street, which is within this urban renewal area. One of the conditions of the purchase is a complete rehab of the property which will cost approximately \$51,000 per unit. They feel it is very important to get the property back in good condition. They will keep it as Section 8 housing for the next 30-40 years. They are concerned with this moratorium because they hoped to begin rehab in December. Should the moratorium go through, they would request a waiver on that six months. If they cannot get a waiver, they will need to go back and rearrange some financing. She is not saying they will not continue the deal without a waiver, but they need to know now, so they can rearrange their financing.

Shanklin questioned if they would seriously spend \$51,000 for a two bedroom apartment.

Ms. Nervig stated they approached HUD requesting the ability to demolish the property and rebuild. They were told if they do this, they would lose the section 8 contract. They will need to rehab the property two buildings at a time. They will work with HUD for the first, second and third mortgages. The second and third mortgage does not have a debt service. They will use federal low-income housing tax credits. They have also applied for a CDBG grant from the City of Lawton to place a security fence around the property.

Shanklin questioned if they would be able to rent to anyone other than section 8 applicants.

Ms. Nervig stated they have to qualify for section 8.

Warren questioned how this resolution would affect this project since it is a rehab.

Ms. Nervig stated they would be building a new community management office on the site.

Warren stated if they approve the moratorium they would be able to proceed with the rehab, but not build the community office.

Mayor Purcell stated this moratorium would have no affect on the remodeling. It would only affect their desire to build a new building.

Mayor Purcell stated they probably would not be building the new office in the next six months, but questioned how they would grant them an exception to build the new office.

Vincent stated that hopefully they would have the structural design criteria during the next six months. He questioned if the western boundary of the moratorium area was suppose to go to 4th Street or are they stopping at the west side of 3rd Street. They can consider a boundary adjustments, but the City Council should not put them in a position to grant waivers. They can deal with that problem if they have to renew the resolution in six months.

Ms. Nervig stated, as long as the moratorium does not include the rehab of the units, they can live with constructing the new building next year.

Warren questioned if they needed to extend the moratorium from south 2nd Street to C Avenue.

Vincent stated the resolution could be amended.

Warren stated they needed to accept any building projects that have made application for a building permit.

Vincent stated the resolution needs to be amended to exclude applications that have been filed at the time of the signing of the resolution or are under review. The resolution should also exclude permits that have been granted but have not started construction and structures that have been declared dilapidated by the City Council.

Givens requested that the minutes reflect that this resolution will not apply to rehab projects.

MOVED by Warren, SECOND by Haywood, to adopt Resolution No. 05-61 to include all modifications suggested by the City Attorney and extending the area from Ferris to C Avenue and 4th Street to Railroad. AYE: Warren, Givens, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

28. Consider a resolution temporarily closing the East 150 feet of the alley in Block 3 of original townsite for demolition and construction purposes as requested by CDBL on behalf of Dan Mullins. Exhibits: Resolution No. 05-__ and location map.

Vincent stated the City Code requires that any request for closure of a street or alley for purposes of construction, reconstruction or demolition that exceeds 180 days be brought to City Council for approval.

MOVED by Warren, SECOND by Patton, to adopt Resolution No. 05-62 temporarily closing the East 150 feet of the alley in Block 3 of original townsite for demolition and construction purposes. AYE: Ewing-Holmstrom, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED. ABSENT: Shanklin.

29. Consider adopting an ordinance amending Section 17-2-11-232, Lawton City Code, 1995, by lowering the

restriction of hiring relatives to the division level rather than the department level and declaring an emergency. Exhibits: Ordinance No. 05-__.

This item was stricken.

30. Consider approving the Market Plan proposal for City of Lawton compensation analysis project. Exhibits: Previous minutes and market plan proposal.

Jim Scholes, Human Resources Director, stated this step is to receive the City Council's input on the direction of the market plan. He stated they have many sources available to determine markets and values of various cities. There will be specific jobs where they will have to find cities that have those positions. This is the general approval to determine if the City Council likes what they are doing with the market plan and can they get approval to continue in this direction. There are over 200 positions in the city and there are going to be exceptions.

Givens questioned if they received input from the Employee Advisory Committee.

Scholes stated he attends those meeting and has briefed the committee.

Givens stated there have been rumblings from the Council as well as employees regarding the cities that are chosen.

Scholes stated he has briefed the EAC on the market plan, but did not present specific cities.

Mitchell stated that he and Mr. Scholes met with the EAC, but they were more concerned with plugging in the job classifications in each categories and plugging in the salary. He and Mr. Scholes will continue to meet with the EAC members as well as Department Directors as they continue this process.

Warren stated with Police and Fire, they are continually fighting over which cities to compare. He would rather see a system in which we use the same cities for labor and trades as they do for management and supervisory even if they have to adjust for median income. He wished we could deal with every position using the same cities, that way all the numbers stay the same. The cities which are chosen for supervisory are also paying equipment operators. It seems we could look at those and quantify it by average income to get a number that is equitable to Lawton, Oklahoma.

Scholes stated one-third of his information is pay plans from surrounding cities. There is a problem with being broad in every category. It is going to cause more conversations to do it this way, but in the end we will have a true comparison. The last compensation plan was brought as a whole and there were problems.

Warren stated he would much rather pick four cities and use as a broad spectrum with 98% of the employees getting paid off of a matrix from those cities, and make adjustments on just a few.

Mitchell stated that would be very difficult to do because job classifications are very different and the structure of the organization is different. Part of what they are trying to do is not only look at pay plans and comparative wages, but also look at each class as they recruit. As you move from one class to another, that recruitment changes.

Warren stated it bothered him that it does not look like we are being equitable when we say we are going to choose the professional from Dallas and the laborer from Duncan. It seems it would be easier to just pick the cities and build in a matrix. Then we can argue between the groups over what matrix to use.

Mitchell stated they are trying to build a pay plan that is competitive for the positions. We want to make sure we are paying a comparable, competitive salary for those positions. There is risk of overpaying some positions because they are at the top of the market.

Warren stated they could get original numbers from a set group of cities and build a matrix off of what that job classification pays in the private sector.

Scholes stated they are trying to avoid a skewed factor with an overpaid or underpaid pay plan, but a fair pay plan across the board. The data is available to look at any position in several cities and he would be happy to go through the information line by line.

Mayor Purcell asked Warren if he agreed with the concept, but was concerned with the cities chosen.

Warren suggested looking at Oklahoma as a whole.

Scholes stated you would be looking at every city with a population from 200 to Oklahoma City.

Patton stated they needed to look at this like any other business. If there is a high turnover in a particular classification, you must realize that we are not very competitive.

Scholes stated other than temporary labor, we have a lot of employees that have been here over 15 years.

Patton stated if there is a lot of turnover in a specific position, we should be able to identify those positions that are finding other opportunities in other cities. If we look at those vacant positions where we have many applicants, that should tell us that we are on target as far a pay in those positions.

Givens questioned if anyone has looked at the correlation between median household income and median house value.

Scholes said he was told to stay away from those kind of figures.

Mayor Purcell stated all this would be discussed in the next step.

Shanklin stated we need to compare ourselves with other entities in Lawton such as Goodyear, Lawton Public Schools, the hospitals and Comanche County. He would not be opposed to including Norman.

Warren stated he was thinking more in the line of Wichita Falls. We need to use local and regional.

Mayor stated that those listed in the information put together by Human Resources has all the local areas.

Warren said they had dealt with this in the past and if they do not come up with some cities that are all encompassing and general and leave out a few exceptions, they are going to have to deal with every single position because there will be pressure on the City Council from employees and department heads. We need to pick some cities and start building from some point.

Scholes stated he does not believe they can find four cities to use for all categories and have a working pay plan.

Warren questioned why an equipment operator in Lawton was considered any different than an equipment operator in Wichita Falls.

Scholes stated supply and demand is different. The market in Lawton has more qualified labor and trade applicants than a City Manager applicant. They have to look at what is available to fill the position. He does not believe it is possible to find four cities that will do that.

Warren said we have firemen who drive from out of town because we pay more money. The same thing is going to happen in Wichita Falls and anyplace else where a person can earn more money.

Scholes asked how far can we go with this. There will always be another city that will pay more.

Givens stated we need to not only look at household income, but they must remember that our base of sales tax is a lot less than other areas. They need to consider that factor.

Warren said the amount of tax money that the city of Lawton puts in its coffers does not change between an equipment operator and an administrative person.

Mitchell stated the original concept to look at the pay plan was to make sure that they paid market wages for all of the positions.

Scholes stated it is going to depend on what positions they are looking at as to where they go to fill that position. He does not want to over generalize this because it will not be fair to the employees, the budget process or the citizens that have to pay.

Shanklin stated he feels they need to be comparing with those cities with comparable population and general operating budget.

Mayor Purcell questioned what the Council wanted to do. Are they going to approve this concept with these specific cities.

Scholes said the request was to approve as it was written with these specific cities.

Ewing-Holmstrom stated that she agreed with Councilman Shanklin that the money has to be in the budget to be able to pay these positions.

Warren stated he believes that everyone needs to be treated equitably.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to approve the market plan for the City of Lawton compensation analysis as stated. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Givens. NAY: Warren. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL

Ewing-Holmstrom stated her constituents were very pleased with the progress at the intersection of 45th and Lee. She is also concerned with the trash that is blowing from new construction in Heritage Hills. She questioned if there was anything that could be done.

Mitchell stated Neighborhood Services could contact the contractor.

Ewing-Holmstrom stated that East on Gore is a giant billboard that ruins the skyline. She questioned where they were at with the sign ordinance.

Patton said he had several constituents contact him about installing a stop sign at the corner of Willow Creek and Mickelgate.

Mayor said that the request would need to go through the Traffic Commission.

Haywood thanked the Chamber of Commerce and Fort Sill National Bank for bringing business to this community including ward seven.

Mayor Purcell stated they would need to consider at an upcoming City Council meeting, an ordinance dealing with construction that is not completed in a timely manner. He stated he and the City Manager drove around town recently with the Secretary of Transportation and the Director of the Oklahoma Department of Transportation.

There is a major problem on 38th Street. They must come up with a solution and stop giving contracts to the same people who never complete projects on time and inconvenience the citizens for months on end. He plans on bringing back an ordinance in order to fix this problem. He also stated there needs to be some kind of moratorium on huge signs in town. These are the kinds of signs that belong on the interstate. He will ask the City Attorney to bring something back to the City Council.

Givens stated the new sign ordinance, if approved by the City Council, would limit the maximum size of billboards to 300 square feet. That is the small, standard size that the two local sign companies deal with all the time. He is hoping the new sign ordinance will be done sometime in May.

Vincent stated he would bring back a resolution approving a moratorium on all off-premise advertising. Off-premise advertising means that a person has rented space from another person and is advertising a business not located on that lot.

Ewing-Holmstrom stated the big sign on Gore is part of that business.

Vincent said through the sign ordinance, they can issue a maximum size and height for those signs.

Mayor Purcell said he wants a moratorium so no new signs will come up before they approve the new sign ordinance. He also reminded everyone about the Trash Off scheduled for Saturday, April 16th at McMahon Auditorium.

Mitchell reminded the City Council that they will be meeting on Tuesday, April 19th to discuss the capacity fee ordinance and on April 28th they will meet to discuss the upcoming budget. Mike Crawford will give an overview.

Report on E-911: Police Chief Harold Thorne stated the report the City Council received in their packets was generated from the perspective of the Lawton Police Chief in relation to the City of Lawton Communications Center. He also wears the hat of the Chairman of the E-911 Committee. He stated the purpose of the committee was to identify if they can reduce expenses to the taxpayers by consolidating, combining services, or improving services. He said this issue is often portrayed as a city versus county, but Lawton is in Comanche County and they do have the overwhelming majority of Comanche County residents residing in Lawton.

Mayor Purcell asked if the recommendation of the committee was to consolidate.

Thorne stated the committee has requested that they consolidate and that the location of the center be Comanche

County Courthouse, bottom floor in the prior jail area.

Mayor Purcell stated there is a lot of work to be done on the details.

Thorne stated there are a lot of issues which are addressed in his report. The City of Lawton emergency dispatch is very efficient and relatively problem free. Several years ago they did combine with Fort Sill for a joint dispatch which is very effective and useful because each entity is aware of what is going on. This is why it would be advantageous to have a joint communications center.

Shanklin said the report stated they received 223,000 calls this past year. He questioned how many calls Comanche County has received.

Darrell Morgan, Communications Supervisor, stated the numbers presented to the Lawton Constitution were 100 administrative calls per day and 10 emergency calls.

Mayor Purcell stated the whole reason for this drill is they will be going to a regional emergency operations center sometime in the next five years. They need to start here and be a step ahead, or sit and do nothing. The state and federal government is going to mandate that they consolidate. The issue is how to do this without degrading service to county or city residents and possibly save money. He questioned if the committee came up with a recommendation that the 911 be under the county, city or a separate authority.

Thorne stated the last recommendation was that an authority be formed and each entity has representation on that board.

Mayor Purcell stated those employees would now work for that authority. Those details would need to be worked out so that no benefits are diluted. There are a lot of details to be worked out. He suggested two City Councilors and the City Manager meet with the County Commissioners with input from the Police and Fire Chiefs, emergency communication from both city and county and the Sheriff. He asked the City Council who would like to volunteer to go to these meetings. Councilman Warren and Councilman elect Keith Jackson agreed to serve on a committee to begin in May.

Thorne stated the report does reference plans to consolidate in 30-45 days, the only way in his opinion to accomplish this would be to move two consoles from the county to the city operations. This would give them time to see how things are going to work out. At that point they could look at alternate locations. He stated from the law enforcement side, in his opinion, it would function better if it were under a law enforcement agency. He questioned who would handle to security of the facility.

Mayor Purcell thanked all those who worked so hard to come up with these recommendations.

RFP for Computer Software: Rick Endicott, Finance Director, stated in December the City Council approved going out for the \$3 million bond to begin conversion of hardware and software. Over the last few months, staff has developed the RFP. They are giving vendors sixty days to return the RFP, and then staff will start to interview potential vendors.

Patton questioned if there were any local vendors that could handle this project.

Endicott stated he will contact local vendors, but he does not believe there is a local vendor that has the capacity or ability to do what needs to be done in a global aspect. They are integrating all departments.

Shanklin questioned when the RFP would go out.

Endicott stated Friday, April 15th. They will mail out to approximately 15-20 vendors.

International Code: Mayor Purcell reported that the Code Review Committee has had a problem with getting a quorum. They cannot bring the recommendation forward because they have not had a quorum. Mayor Purcell stated he would bring the recommendation forward to adopt the International Code. That item will be placed on the agenda for April 26th.

MOVED by Shanklin SECOND by Patton to convene in executive session to consider the item shown on the agenda and as recommended by the legal staff. AYE: Shanklin, Patton, Haywood, Warren, Givens, Ewing-Holmstrom. NAY: MOTION CARRIED.

The Mayor and Council convened in executive session at 8:40 p.m. and reconvened in regular, open session at 9:00 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

31. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the law suit, in the Oklahoma County District Court, City of Lawton vs. Public Employees Relations Board and American Federation of State, County, and Municipal Employees, Case No. CJ-2004-9617.

Vincent read the title of Item 31 shown above. He said the Council convened in executive session to discuss the item and said the Council received a report on the current status of the case including the fact that the Supreme Court has now accepted the case. The Supreme Court case number is 101-934. Vincent said no action is required in open session.

There being no further business to consider, the meeting adjourned at 9:02 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK